

wherein energy applied to the electrode is focused at the curved base section.

34. (New) The device of claim 33 wherein the metal coated base section comprises a conductive working region of the electrode.

REMARKS

Status of the Claims

Claims 1-4, 7-10, and 22-25 are pending in the application. Claim 4 has been withdrawn from consideration. Claims 1 and 22 are hereby amended. Support for the amendments to claims 1 and 22 may be found throughout the specification and at least at page 6 lines 5-20, page 14 lines 26-28, and Figures 1A and 1B. New claims 26-34 are hereby added. Support for new claims 26-34 may be found throughout the specification and at least at page 6 lines 5-20, page 14 lines 26-28, and Figures 1A and 1B. Attached is a clean copy of all of the claims pending following entry of the present amendment.

Rejections of the Claims

Pending claims 1-3 and 7-8 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 5,843,019 to Eggers et al. (hereinafter "Eggers"), and claims 9 and 10 are rejected under 35 U.S.C. §103(a) over Eggers. Claims 22-25 are rejected under 35 U.S.C. §103(a) over Eggers in view of U.S. Patent No. 5,403,311 to Abele et al. (hereinafter "Abele"). Applicants respectfully request reconsideration of the rejections in light of the following remarks.

CLAIM REJECTIONS UNDER 35 U.S.C. §102(e)

Independent claim 1 and claims 2-3, and 7-8 that depend therefrom currently stand rejected as anticipated by Eggers.

Amended independent claim 1 recites an electrosurgical device having a single loop electrode coupled to a pair of arms. The single loop electrode has a base section disposed between a pair of end sections and is substantially perpendicular to the longitudinal axis of the elongated body of the device.

A proper 35 U.S.C. §102(e) rejection requires that each and every element of the claim be taught by the reference. Eggers teaches a resecting loop assembly 12 that has a pair of hollow arms 186, 188 that extend from a distal end 190 of shaft 180 (column 18, lines 26-34). "A hollow, electrically insulating tubular member 192 extends from each arm 186, 188...and tubular resecting loop electrode 194 extends from each tubular member 192" (column 18, lines 34-38). As shown in FIGS. 8A, 8B and 9, none of Eggers' base section or end sections are perpendicular to the longitudinal axis of Eggers' assembly. Moreover, no part of Eggers' resecting loop electrode 194 is perpendicular to the longitudinal axis of Eggers' assembly.

Thus, Eggers could not possibly teach Applicant's claimed invention at least because Eggers fails to teach a loop electrode that has a base section disposed between a pair of end sections in which the loop electrode is substantially perpendicular to the longitudinal axis of the electrosurgical device. Therefore, Eggers does not disclose each and every element of Applicant's claim 1 and is an improper reference under U.S.C. §102(e).

Claims 2-3 and 7-8 depend from claim 1 and are therefore patentable for at least all of the reasons for which claim 1 is patentable over Eggers. Applicants respectfully request reconsideration and withdrawal of the rejection of the claims 1-3 and 7-8 under 35 U.S.C. §102 (e).

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Dependent claims 9 and 10 stand rejected under 35 U.S.C. §103(a) over Eggers, and independent claim 22 and claims 23-25 that depend therefrom are rejected under 35

U.S.C. §103(a) over Eggers in view of Abele. Applicants respectfully traverse these rejections.

Claims 9 and 10 depend from amended claim 1 and are patentable for at least all of the reasons, discussed above, for which claim 1 is patentable.

Amended independent claim 22 recites an electrosurgical device having a single loop electrode coupled to a pair of arms. The single loop electrode has a base section disposed between a pair of end sections and is substantially perpendicular to the longitudinal axis of the elongated body of the electrosurgical device.

Amended independent claim 22 and claims 23-25 that depend therefrom stand rejected as obvious under 35 U.S.C. §103(a) over Eggers in view of Abele. A proper 35 U.S.C. §103(a) rejection requires there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Abele fails to cure the deficiencies of Eggers at least because Abele fails to teach or suggest a loop electrode that is substantially perpendicular to a longitudinal axis of an electrosurgical device, the loop electrode having a base section with a conductive coating disposed between a pair of end sections.

Thus, neither Eggers, Abele or their combination teach or suggest or provide motivation for Applicant's claimed electrode having a loop electrode substantially perpendicular to the longitudinal axis of an electrosurgical device, the loop electrode having a base section disposed between a pair of end sections. Accordingly, Applicants submit that amended independent claim 22 and the claims that depend therefrom, claims 23-25, are patentable over Eggers in view of Abele. Applicants respectfully request reconsideration and withdrawal of the rejections of claims 9-10 and 22-25.

CONCLUSION


In view of the foregoing, Applicants request withdrawal of all rejections and allowance of pending claims 1-3, 7-10, 22-34 in due course. The Examiner is invited to

contact Applicant's undersigned representative with any comments, questions, or any remaining issues.

Respectfully submitted,

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MARKED UP COPY OF CLAIMS

1. (Amended) An electrosurgical device comprising:
 - an elongated body including a proximal end and a distal end and defining a longitudinal axis; [,]
 - a pair of arms coupled to the distal end of the elongated body; and
 - a single loop electrode coupled to the pair of arms [and substantially perpendicular to the longitudinal axis], the single loop electrode comprising,
 - a conductive material,
 - a pair of end sections extending from the arms, a ceramic coating disposed over the entire length of each of the end sections, and
 - a base section, the base section consisting of a [continuous] curve disposed between the end sections and adapted to contact tissue, the [continuously] curved base section being free of the ceramic coating,
 - wherein the single loop electrode comprising a base section disposed between a pair of end sections is substantially perpendicular to the longitudinal axis of the elongated body,
 - wherein energy applied to the electrode is focused at the [continuously] curved base section.
22. (Amended) An electrosurgical device comprising:
 - an elongated body including a proximal end and a distal end and defining a longitudinal axis; [,]
 - a pair of arms coupled to the distal end of the elongated body; and
 - a single loop electrode coupled to the pair of arms [and substantially perpendicular to the longitudinal axis], the single loop electrode comprising,
 - a ceramic material,
 - a base section, the base section consisting of a [continuous] curve adapted to contact tissue, a conductive coating selectively disposed on the base section, and
 - a pair of end sections extending from the arms to the base section and being free of the conductive coating,
 - wherein the single loop electrode comprising a base section disposed between a

pair of end sections is substantially perpendicular to the longitudinal axis of the elongated body,

wherein energy applied to the electrode is focused at the [continuously] curved base section.